

IC 34-47-2

Chapter 2. Direct Contempt of Court

IC 34-47-2-1

Disturbing court

Sec. 1. (a) Every person who disturbs the business and proceedings of a court:

- (1) by creating any noise or confusion;
- (2) in a court of record; and
- (3) while the court is open for and engaged in the transaction of business;

is considered guilty of a direct contempt of court.

(b) This section applies to a disturbance caused:

- (1) by the commission of a felony, a misdemeanor, or an other unlawful act;
- (2) by talking, moving about, or by signs, or gestures; or
- (3) in any other manner.

As added by P.L.1-1998, SEC.43.

IC 34-47-2-2

Witnesses

Sec. 2. Every person who:

- (1) is sworn to testify as a witness, in any trial or proceeding, in any court of record, and refuses to testify in the trial or proceeding;
- (2) is required by any court to be sworn in any trial or proceeding, and refuses to take an oath or affirmation; or
- (3) while upon the witness stand, is purposely so demeaning as to retard or disturb the proceedings of the court;

is considered guilty of a direct contempt of court.

As added by P.L.1-1998, SEC.43.

IC 34-47-2-3

Assaulting, influencing, or intimidating witnesses

Sec. 3. A person:

- (1) who:
 - (A) offers, gives, or promises any reward to;
 - (B) threatens to assault or injure;
 - (C) assaults or beats; or
 - (D) in any other manner influences, intimidates, or attempts to influence;

any witness to give or abstain from giving testimony in any case, or to abstain from attending as a witness in any case;

- (2) who does any act to put a witness in fear, on account of any testimony that the witness may have given; or
- (3) who, on account of any testimony, injures or threatens to injure a witness;

is guilty of a direct contempt of the court in which the witness may be called to testify, if the acts are done in the presence of the court.

As added by P.L.1-1998, SEC.43.

IC 34-47-2-4

Trial procedure

Sec. 4. (a) Except as provided in subsection (b), when a person is arraigned for a direct contempt in any court of record in Indiana, no affidavit, charge in writing, or complaint is required to be filed against the person.

(b) The court shall distinctly state the act, words, signs, gestures, or other conduct of the defendant that is alleged to constitute the contempt. The statement shall be reduced to writing either by:

- (1) the judge making the statement; or
- (2) by a reporter authorized by the judge to take down the statement when the statement is made.

(c) A statement described in subsection (b), shall be substantially set forth in the order of the court on the contempt, together with any statement made in explanation, extenuation, or denial of the contempt, which the defendant may make in response to the judge's statement.

(d) The court shall pronounce judgment upon the statements set forth under subsections (b) and (c), either:

- (1) acquitting and discharging the defendant; or
- (2) inflicting such punishment upon the defendant as may be consistent with this chapter.

As added by P.L.1-1998, SEC.43.

IC 34-47-2-5

Appeal

Sec. 5. (a) If the defendant is found guilty of direct contempt under section 4 of this chapter (or IC 34-4-7-7 before its repeal), the defendant has the right to appeal the judgment of the court.

(b) In all cases where the defendant may be adjudged to pay a fine of at least fifty dollars (\$50), or to be imprisoned for contempt, the defendant has the right, either before or after the payment of the fine, or undergoing the imprisonment, to move the court to reconsider its opinion and judgment of the case upon:

- (1) the facts before the court; or
- (2) the affidavits of any or all persons who were actually present and heard or saw the conduct that was alleged to have constituted the contempt.

(c) If the defendant files a motion under subsection (b) and fails to present the affidavit of every person present in support of the motion, the court may direct the affidavits of all persons:

- (1) who were present; and
- (2) whose affidavits the defendant may have failed to procure; to be procured.

(d) The defendant may move the court for:

- (1) a new trial; and
- (2) rescission of the court's judgment against the defendant; upon all affidavits and the original statements of the court, and the defendant, concerning the contempt.

(e) If the court overrules a motion filed by the defendant under

subsection (d), the defendant may appeal as in other criminal actions.

(f) In all cases described in this section, an appeal may be made to the court of appeals.

As added by P.L.1-1998, SEC.43.